

REMARKS

This Amendment is fully responsive to the non-final Office Action dated December 23, 2009, issued in connection with the above-identified application. Claims 1-28 are pending in the present application. With this Amendment, claims 1, 2, 5-7, 9-11, 13, 18-21 and 23-27 have been amended, and claims 3, 12, 22 and 28 have been canceled without prejudice or disclaimer to the subject matter therein. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

The Applicants have amended the specification and the abstract. The changes to the specification and the abstract are editorial in nature. Replacement portions of the specification and a replacement abstract are provided. No new matter has been introduced by the amendments to the specification and the abstract.

In the Office Action, claims 11-19, 21 and 22 have been rejected under 35 U.S.C 112, second paragraph, as being indefinite. Claims 12 and 22 have been canceled thereby rendering the above rejection to those claims moot. Additionally, claims 11 and 21 have been amended to more accurately depend from their respective base claims. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is now respectfully requested.

In the Office Action, claims 1-28 have been rejected under 35 U.S.C. 103(a) as being unpatentable Massimo et al. (European Publication No. 0 982 935, hereafter “Massimo”) in view of Medvinsky et al. (U.S. Publication No. 2005/0071663, hereafter “Medvinsky”).

Claims 3, 12, 22 and 28 have been canceled thereby rendering the above rejection to those claims moot. Additionally, the Applicants have amended independent claims 1, 10, 20, 23, 24, 26 and 27 to help further distinguish the present invention from the cited prior art. For example, independent claim 1 has been amended as follows:

“[a] secure system including a secure device holding confidential data and a terminal apparatus to which the secure device is connected, the secure system comprising:

a first storage unit included in one of the secure device and the terminal apparatus, and operable to store domain information defining a domain of the secure device and the terminal apparatus;

a second storage unit included in one of the secure device and the terminal apparatus, and operable to store an extra-domain usage rule which is a rule for use of the secure device outside the domain;

a first judgment unit included in one of the secure device and the terminal apparatus, and operable to judge, according to the domain information, whether one of secure device and the terminal apparatus is currently inside the domain or outside the domain;

a second judgment unit included in one of the secure device and the terminal apparatus, and operable to judge, according to the extra-domain usage rule, whether or not use of the secure device is permitted, in the case where it is judged by said first judgment unit to be outside the domain; and

a control unit included in one of the secure device and the terminal apparatus, and operable to enable the use of the secure device in the terminal apparatus in any one of: 1) the case where it is judged by said first judgment unit to be inside the domain; and 2) the case where it is judged by said second judgment unit that use is permitted,

wherein the extra-domain usage rule concerns at least one of the following extra-domain criteria: (a) a number of content reproductions; (b) a number of content use apparatuses; (c) a number of domains; (d) a validity period; (e) a use duration; (f) a number of terminal IDs; (g) a number of domain IDs; (h) a number of contents; and (i) a number of licenses." (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 10, 20, 23, 24, 26 and 27 (as amended). That is, independent claims 10, 20, 23, 24, 26 and 27 have been amended to include the "wherein clause" emphasized above in independent claim 1. As amended, independent claims 1, 10, 20, 23, 24, 26 and 27 have been amended to include respectively the features of dependent claims 3, 12, 22 and 28 (now canceled). Accordingly, the features emphasized above in independent claim 1 (and similarly recited in independent claims 10, 20, 23, 24, 26 and 27) are fully supported by the Applicants' disclosure.

With the present invention (as recited in independent claims 1, 10, 20, 23, 23, 24, 26 and

27), a content provider can arbitrarily determine, as the extra-domain usage rule, at least any one of: (a) a number of content reproductions, (b) a number of content use apparatuses, (c) a number of domains, (d) a validity period, (e) a use duration, (f) a number of terminal IDs, (g) a number of domain IDs, (h) a number of contents, and (i) a number of licenses. Specifically, the content provider can perform detailed limitations on content use in a terminal apparatus or secure card outside the domain.

Thus, with the present invention (as recited in independent claims 1, 10, 20, 23, 24, 26 and 27), it is possible for a secure device to be used even in a content use apparatus outside of the domain within the limits of the extra-domain usage rule. Because the use of the secure device outside the domain is limited according to the extra-domain usage rule, protection of confidential data such as content is possible.

In the Office Action, the Examiner relies on Massimo and Medvinsky for disclosing or suggesting all the features recited in independent claims 1, 10, 20, 23, 24, 26 and 27. As noted above, independent claims 1, 10, 20, 23, 24, 26 and 27 have been amended to include respectively the features of dependent claims 3, 12, 22 and 28. In the Office Action, although the Examiner relies on the combination of Massimo and Medvinsky, the Examiner relies primarily on Madvinsky for disclosing or suggesting the features of claims 3, 12, 22 and 28 (now incorporated in to independent claims 1, 10, 20, 23, 24, 26 and 27).

However, the Applicants assert that Massimo and Medvinsky (individually or in combination) fail to disclose or suggest the features now recited in independent claims 1, 10, 20, 23, 24, 26 and 27 (as amended).

Massimo discloses that services delivered by a plurality of providers (SP) to users (U) are identified by respective streams of encoded data (e.g., instance MPEG data). The users (U) are provided with respective receiving means (STB) of a generalized type that is common to all users. Additionally, each user is provided with a user unit (105), preferably embodied in the form of a smart card, incorporating a processing function (VM) able to recognize, load and execute at least one enabling algorithm embedded in the data streams sent by the providers (i.e., by exploiting a respective identification code embedded in the delivered data stream) to make use

of the respective service. Thus, Massimo merely discloses a smart card that is capable of supporting a plurality of services using different DRM (Digital Rights Management) systems. This smart card identifies the service provider/DRM system based on identifiers within a content so as to enable use of the content. (See e.g., Abstract).

Medvinsky discloses that copy protection information can be output to external devices not protected by the common rights management system. Additionally, rules can be provided for specifying whether particular content may be copied or moved to another protected domain. More specifically, Medvinsky discloses outputting or exporting content outside of the domain by copying or moving the content, wherein a user is able to use the content outside the domain. Thus, at best, Medvinsky discloses that a content provider is capable of specifying whether or not to export content outside of the domain by copying or moving the content. (See e.g., Abstract).

Based on the above discussion, the present invention (as recited in independent claims 1, 10, 20, 23, 24, 26 and 27) is clearly different from Massimo and Medvinsky for at least the reasons noted below.

First, although Massimo discloses enabling the use of a smart card for different types of DRM systems/service providers, Massimo does not disclose enabling use of the smart card in another domain receiving a service from the same provider (or in another domain within the same DRM system (i.e., secure system)), as in the present invention (as recited in independent claims 1, 10, 20, 23, 24, 26 and 27).

Second, in Medvinsky, it is possible to specify whether or not to export content to the outside of the domain by copying or moving the content. However, the use of the exported content is unlimited and control of content use in a terminal apparatus or secure device outside the domain is not possible (i.e., it is not possible to perform detailed limitations on content use in a terminal apparatus or secure card outside the domain).

That is, although Medvinsky allows for the control of copying or moving of a content to the outside of the domain, it is not possible to control any one of the following: the number of content reproductions in a terminal apparatus outside the domain; the number of content use apparatuses for which use is permitted; the number of domains for which use is permitted; the

validity period; the use duration; and so on.

Therefore, the Applicants assert that even if one of ordinary skill in the art were to combine the teaching of Massimo and Medvinsky, the combination still would not result in the present invention (as recited in independent claims 1, 10, 20, 23, 24, 26 and 27). Accordingly, no combination of Massimo and Medvinsky would result in, or otherwise render obvious, the features of independent claims 1, 10, 20, 23, 24, 26 and 27 (as amended). Additionally, no combination of Massimo and Medvinsky would result in, or otherwise render obvious, claims 2, 4-9, 11, 13-19, 21 and 25 at least by virtue of their respective dependencies from independent claims 1, 10, 20 and 24.

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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